

## REMARKS

### I. STATUS OF THE CLAIMS

Claims 11, 13, 17, 29, 32, 39, 49, 51, 53, 56 and 57 have been amended and claim 40 has been cancelled without prejudice or disclaimer.

Accordingly, claims 11, 13-17, 29-39, 49, 51, 53-59, 61 and 63 are currently pending.

### II. THE REJECTION OF CLAIMS 11, 49 AND 51 UNDER 35 U.S.C. §102(b) AS BEING ANTICIPATED BY EASTMAN

Independent claims 11 and 49, have been amended to incorporate the allowable subject matter indicated by the Examiner, with minor changes to clarify the grammatical structure of the claims. Accordingly, no new matter has been added.

Claim 11, as amended, recites a method of compensating for a tilt and a defocus of an optical recording medium, comprising amongst other novel elements "generating a recording pulse before recording the recording pattern to compensate for an amount of shift of the recording pattern with respect to the detected tilt."

Claim 49, as amended, recites a computer readable medium storing a computer program which when executed by a processor causes the processor to perform a method, comprising amongst other novel elements "generating a recording pulse before recording the recording pattern to compensate for an amount of shift with respect to the detected tilt."

Accordingly, Applicants respectfully assert that the rejection of claims 11 and 49 under 35 U.S.C. §102(b) should be withdrawn because Eastman fails to teach or suggest each feature of independent claims 11 and 49 as amended.

Furthermore, Applicants respectfully assert that dependent claims 13-16 and 58 and claim 61 are allowable at least because of their dependence from claims 11 and 49, respectively, and the reasons set forth above.

Claim 51, as amended, recites a computer readable medium storing a computer program which when executed by a processor causes the processor to perform a method, comprising amongst other novel elements "generating a recording pulse before recording the predetermined recording pattern to compensate for an amount of shift of the predetermined recording pattern due to the detected tilt." Accordingly, claim 51, as amended, also incorporates the allowable subject matter indicated by the Examiner.

Accordingly, Applicants respectfully assert that the rejection of claim 51 under 35 U.S.C. §102(b) should be withdrawn because Eastman fails to teach or suggest each feature of independent claim 51, as amended.

Furthermore, Applicants respectfully assert that dependent claims 53-56 are allowable at least because of their dependence from independent claim 51 and the reasons set forth above.

III. THE REJECTION OF CLAIMS 13-17, 29-31, 36-39, 53-59, 61 AND 63 UNDER 35 U.S.C. 103(a) AS BEING UNPATENTABLE OVER EASTMAN AND FURTHER IN VIEW OF TODA

Independent claim 17 has been amended to incorporate the allowable subject matter indicated by the Examiner, with minor changes to clarify the grammatical structure of the claims. Accordingly, no new matter has been added.

Claim 17, as amended, recites a method for compensating input data for a tilt and/or a defocus of an optical recording medium, comprising amongst other novel elements "generating the write pulses before recording the recording pattern to compensate for an amount of shift of the recording pattern with respect to the detected tilt."

Accordingly, Applicants respectfully assert that the rejection of claim 17 under 35 U.S.C. §103(a) should be withdrawn because neither Eastman nor Toda teach or suggest each feature of independent claim 17 as amended.

Furthermore, Applicants respectfully assert that dependent claim 59 is allowable at least because of its dependence from claim 17 and the reasons set forth above.

Independent claim 29 has been amended to incorporate the allowable subject matter indicated by the Examiner.

Claim 29, as amended, recites an apparatus which records and/or reproduces information on an optical recording medium, comprising amongst other novel elements "the recording compensator generates the recording pulse before recording the recording pattern to compensate for an amount of shift of the recording pattern with respect to the detected tilt."

Accordingly, Applicants respectfully assert that the rejection of claim 29 under 35 U.S.C. §103(a) should be withdrawn because neither Eastman nor Toda teach or suggest each feature of independent claim 29 as amended.

Furthermore, Applicants respectfully assert that dependent claims 30-31 and 36-38 are

allowable at least because of their dependence from claim 29 and the reasons set forth above.

Independent claim 39 has been amended to incorporate the allowable subject matter of claim 40.

Accordingly, Applicants respectfully assert that the rejection of claim 39 under 35 U.S.C. §103(a) should be withdrawn because neither Eastman nor Toda teach or suggest each feature of independent claim 39 as amended.

Independent claim 57 as amended recites a method of compensating for defocus and/or tilt of an optical recording medium, including amongst other novel elements, "determining whether the detected defocus is equal to or less than a first predetermined margin, determining whether the detected tilt is greater than a second predetermined margin; shifting a recording pattern of a write pulse according to the detected tilt, and compensating a length and width of a recording mark according to the detected tilt."

Neither Eastman nor Toda teach or suggest these features newly recited in amended independent claim 57.

Accordingly, Applicants respectfully assert that the rejection of claim 57 under 35 U.S.C. §103(a) should be withdrawn because neither Eastman nor Toda teach or suggest each feature of independent claim 57 as amended.

Furthermore, Applicants respectfully assert that dependent claim 63 is allowable at least because of its dependence from claim 57 and the reasons set forth above.

Claims 13-16 and 58 depend upon independent claim 11, claim 61 depends upon independent claim 49 and claims 53-56 depend upon independent claim 51. As noted above, claims 11, 49 and 51 have been amended to incorporate the allowable subject matter indicated by the Examiner and are thus allowable.

Accordingly, Applicants respectfully assert that claims 13-16 and 58, claim 61 and claims 53-56 are allowable at least because of their dependence from independent claims 11, 49 and 51, respectively, and the reasons set forth above.

#### IV. THE ALLOWABLE SUBJECT MATTER

Applicants thank the Examiner for the indication of allowable subject matter in claims 32-35 and 40.

V. CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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